

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

TEMPLE J. ANDERSON, #620325                   §  
VS.   §           CIVIL ACTION NO. 6:17cv672  
WENCY BLACK, ET AL.                           §

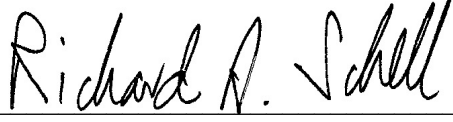
ORDER ADOPTING REPORT AND RECOMMENDATION

The above-styled and numbered civil action was heretofore referred to United States Magistrate Judge K. Nicole Mitchell. The Report and Recommendation of the Magistrate Judge (Dkt. #40), which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the court. It is accordingly

**ORDERED** that Defendant Wency Black's motion to dismiss (Dkt. #28) is **DENIED**. It is further

**ORDERED** that Mr. Anderson may proceed with his Eighth Amendment claim against Officer Wency Black.

**SIGNED this the 16th day of July, 2018.**

  
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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE